

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF KINGS

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S.H.,

Plaintiff,

**COMPLAINT**

-against-

DIOCESE OF BROOKLYN, and MOST  
REVEREND NICHOLAS DIMARZIO as Bishop  
and Corporate Sole of the DIOCESE OF  
BROOKLYN,

Index No. \_\_\_\_\_

Defendant.

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TO THE SUPREME COURT OF THE STATE OF NEW YORK:

Plaintiff, S.H., by and through undersigned counsel, respectfully shows to this Court and alleges as follows:

**Introduction**

This is a revival action brought pursuant to the New York Child Victims Act, CPLR § 214-g. The Plaintiff, when he was a minor, was sexually assaulted by Father William Authenrieth, a Priest transferred or reassigned by the Diocese of Brooklyn to Orlando, Florida, when the Diocese of Brooklyn knew or should have known that Father Authenrieth posed a foreseeable danger of child sexual abuse.

**Parties, Jurisdiction and Venue**

1. Plaintiff S.H. is a citizen and resident of the State of Florida.
2. Defendant, Diocese of Brooklyn and Most Reverend Nicholas DiMarzio as Bishop and Corporate Sole of the Diocese of Brooklyn (hereafter, the "Diocese" or the "Diocese

of Brooklyn”), is a religious institution and organization with principal offices located at 310 Prospect Road West, Brooklyn, New York. The Diocese of Brooklyn controls all Catholic religious, pastoral and educational functions in the boroughs of Brooklyn and Queens, encompassing approximately 180 parishes and 210 churches. The Diocese is a citizen and resident of the State of New York.

3. This Court has subject matter jurisdiction of this action pursuant to Article VI of the New York Constitution.

4. Personal jurisdiction lies over Defendant Diocese of Brooklyn as it is present and domiciled in the State of New York.

5. Venue of this action lies in Kings County as the Defendant has its principal place of business in Kings County.

**Father Authenrieth’s History of Child Sexual Abuse in the Diocese of Brooklyn**

6. Father William Authenrieth was a serial sexual predator who sexually abused numerous children over decades in his assignments in the Diocese of Brooklyn and the Diocese of Orlando, Florida.

7. Father Authenrieth was ordained in 1962 by the Diocese of Brooklyn. He was assigned after ordination to St. Vincent Ferrer Roman Catholic Church in Brooklyn (“St. Vincent”).

8. In or about 1964-1965, the Principal of the School at St. Vincent was informed that Father Authenrieth had sent a student photographs of males engaged in oral sex and sought to entice him into a meeting.

9. In the early 1970's a young male threatened to expose Father Authenrieth for having engaged him in sexual activity. Father Authenrieth disclosed this information to a Priest of the Diocese of Brooklyn.

10. Shortly after this disclosure, in October, 1973, the Bishop of the Diocese of Brooklyn transferred and reassigned Father Authenrieth to the Diocese of Orlando. Upon information and belief, this transfer and reassignment was made because of Father Authenrieth's sexual misconduct with children.

#### **Father Authenrieth's Sexual Abuse of Plaintiff**

11. Plaintiff was raised in a devout Catholic family. He and his family attended All Souls Church in Sanford, Florida ("All Souls"). In or about August, 1983, Father Authenrieth became the Pastor of All Souls. Plaintiff at or about that time was an altar boy at All Souls. Father Authenrieth took a special interest in Plaintiff and groomed him.

12. Between approximately Fall 1983 through Spring 1984, Father Authenrieth sexually assaulted Plaintiff on multiple occasions. Plaintiff was 14 to 15 years old at that time.

13. The sexual assaults included acts in the church sacristy before or after mass. Father Authenrieth would grab and fondle Plaintiff's penis. Father Authenrieth would often tell Plaintiff that he needed to "finish" himself and instructed Plaintiff to masturbate to orgasm in his presence. On some occasions, the sexual assaults were committed under the guise of Father Authenrieth making sure Plaintiff's clothing was properly tucked in while he fondled Plaintiff's genitals.

14. Father Authenrieth directed Plaintiff not to tell anyone what had occurred between them as God would be disappointed. Father Authenrieth also threatened Plaintiff that he would start a rumor that Plaintiff was gay if he disclosed their sexual contacts.

15. The sexual assaults continued for a period of months at All Souls until Father Authenrieth was abruptly transferred in late Spring 1984 by the Diocese of Orlando to another parish.

16. At all relevant times, the Diocese of Brooklyn knew or in the exercise of reasonable care should have known that Father Authenrieth had a propensity for the conduct which caused injury to Plaintiff, in particular, that he had a propensity to engage in the sexual abuse of children.

17. At all relevant times, it was reasonably foreseeable to the Diocese of Brooklyn that Father Authenrieth would commit acts of child sexual abuse or assault on children, including those children in parishes of the Diocese of Orlando subsequent to the Diocese of Brooklyn's transfer and reassignment of Father Authenrieth to Florida.

18. At all relevant times, the Diocese knew or should have known that Father Authenrieth was unfit, dangerous, and a threat to the health, safety and welfare of the minors entrusted to his ministry, counsel, care and/or protection.

19. With such actual or constructive knowledge, the Diocese's acts and omissions provided Father Authenrieth with the opportunity to commit foreseeable acts of child sexual abuse or assault on Plaintiff.

#### **Diocese's Concealment of Acts of Sexual Abuse by Priests**

20. The Bishop of the Diocese at all relevant times knew that Priests of the Diocese, under his supervision and control, were grooming and sexually molesting children with whom the Priests would have contact in their ministry and pastoral functions. At all relevant times, the

Bishop knew that this was a widespread, ubiquitous and systemic problem in the Diocese, involving many Priests and numerous victims.

21. On or about February of 2019, the Diocese released a list of over 100 Priests of the Diocese, acknowledging what it deemed credible allegations of child sexual abuse that had been made against the listed Priests. These Priests are acknowledged to have abused children within the Diocese of Brooklyn over decades.

22. Despite receiving credible allegations of child sexual abuse against Priests, the Diocese acted to conceal these allegations in an effort to avoid scandal and accountability.

23. This concealment was in accordance with a policy of the Diocese, as agent, and the Holy See, as principal. In 1922, the Holy See released a confidential document to its Bishops and other officials of Catholic organizations regarding the handling of cases of solicitation of sex in the confessional. This document mandated a specific procedure for Holy See's agents, including the Bishop of the Diocese, to use when a cleric abused children using the confessional. This document required strict secrecy. The 1922 document showed that the Holy See and its agents were fully aware that there was a systemic problem of clergy sexually molesting children using the confessional.

24. In 1962, the Holy See released the confidential document, *Instruction on The Manner of Proceeding in Cases of Solicitation* (The Vatican Press, 1962) (hereinafter referred to as "*CrimenSollicitationis*"). The heading of the document states, "From the Supreme and Holy Congregation of the Holy Office To All Patriarchs, Archbishops, Bishops and Other Diocesan Ordinaries 'Even of the Oriental Rite,'" and contains specific instructions regarding the handling of child sex abuse by clergy. According to the document itself, it is an "instruction, ordering

upon those to whom it pertains to keep and observe it in the minutest detail.”

*CrimenSollicitationis* at paragraph 24.

25. The 1962 document reinforced that the Holy See and its agents to whom the documents was directed had knowledge that there was a systemic problem of Catholic clergy sexually molesting children using the confessional.

26. At the same time, the Holy See was involved in the formation of secret facilities in the United States where sexually offending clergy would be sent for short periods of time. In 1962-63, Fr. Gerald Fitzgerald reported to the Pope on the problem of abuse of children by clergy and expressed concerns if these priests were returned to active duty.

27. Fr. Fitzgerald’s reports were kept secret under the Holy See’s standing policy to avoid scandal at all costs. It’s recommendation was ignored, however, and instead the Holy See made a choice to return known offending priests to active duty. At this point, it is clear that the Holy See and its agents, including the Diocese, knew they had a widespread problem of clergy sexually molesting minors, and they participated in the creation and the operation of facilities in the United States where sexually offending clergy could be sent before they were moved to another parish to work and potentially abuse again.

28. The Holy See’s policy of secrecy under penalty of immediate removal from the organization (excommunication) for all involved in an accusation of child sexual abuse created a shroud of secrecy insulating Priests from consequence. Through this policy and others, the Holy See and its agents, including the Diocese, knowingly allowed, permitted and encouraged child sex abuse by the Diocese’s Priests.

29. The Holy See mandates secrecy for all those involved, including agents and itself, in handling allegations of sexual abuse. Penalties for child sexual abuse include an order to move

offending priests to other locations once they have been determined to be “delinquent.” In response to allegations, the document mandates that supplementary penalties include: “As often as, in the prudent judgment of the Ordinary, it seems necessary for the amendment of the delinquent, for the removal of the near occasion [of soliciting in the future], or for the prevention of scandal or reparation for it, there should be added a prescription for a prohibition of remaining in a certain place.” *CrimenSollicitations* at paragraph 64. Under this policy of secrecy and transfers or reassignments, all involved are threatened with excommunication and, thus, damnation, if they do not comply.

30. The policy of secrecy and the severest of penalties for its violation were reiterated in documents issued by officials of the Holy See for the benefit of its agents, including the Bishop of the Diocese, in 1988 and 2001.

31. The policies and practices of the Diocese designed to conceal sexual abuse by clergy and protect it from scandal and liability included the following:

- (a) transfer and reassignment of clergy known or suspected to abuse minors to deflect attention from reports or allegations of child sexual abuse;
- (b) concealing from parishioners and even other clergy that a priest reassigned to their parish posed a danger of sexual abuse to children;
- (c) failing to alert parishioners from the Priest’s prior assignments that their children were exposed to a known or suspected child molester;
- (d) failing to report sexual abuse to criminal authorities; and
- (e) otherwise protecting and fostering the interests of abusive clergy to the detriment of the victims and the community, for the purpose of avoiding scandal and public scrutiny.

32. Upon information and belief, the Diocese's transfer and reassignment of Father Authenrieth to the Diocese of Orlando in 1973 was pursuant to this policy and practice designed to conceal sexual abuse of clergy and protect the Diocese from scandal.

33. The Diocese of Orlando and the Diocese of Brooklyn were both, at all relevant times, agents of the Holy See, operating on the same plane in the Holy See's hierarchy. Father Authenrieth's transfer and reassignment in 1973 was effectively a transfer between divisions of one organization.

34. Indeed, the policy of secrecy and lack of consequences for the sexual abuse of children was perceived as a perquisite by clergy sex abusers. The Holy See and Diocese believed it to be perceived as a perquisite, which it condoned and used to its advantage in controlling Priests.

35. Plaintiff was in a zone of foreseeable harm as a child engaged in Catholic activities in close proximity to or with Catholic clergy.

36. The Diocese was in the best position to protect against the risk of harm as it knew of the systemic problem and foreseeable proclivities of its Priests to sexually abuse children.

37. At all relevant times, while the Diocese had special and unique knowledge of the risk of child sexual abuse by its Priests, such Priests who would prey on children were outside the reasonable contemplation of the Catholic community and families who trusted Priests to have access to their children.

38. Plaintiff and his parents had no opportunity to protect Plaintiff against a danger that was solely within the knowledge of the Diocese.

39. Upon information and belief, after Plaintiff was abused, the Diocese engaged in a plan and scheme pursuant to the Holy See's secrecy policies and practices to avoid discovery of Father Authenrieth's child sexual abuse and the Diocese's wrongful conduct which facilitated the sexual abuse of children.



**Nature of Conduct Alleged**

40. This action alleges physical, psychological and emotional injuries suffered as a result of conduct which would constitute a sexual offense on a minor as defined in Article 130 of the New York Penal Law, including without limitation, conduct constituting rape (consisting of sexual intercourse) (N.Y. Penal Law §§ 130.25 – 130.35); criminal sexual act (consisting of oral or anal sexual conduct) (N.Y. Penal Law §§ 130.40 – 130.53), and/or sexual abuse (consisting of sexual contact) (N.Y. Penal Law §§ 130.55 – 130.77).

41. The limitation of liability set forth in CPLR Art. 16 is not applicable to the claim of personal injury alleged herein, by reason of one or more of the exemptions provided in CPLR § 1602, including without limitation, that Defendant acted with reckless disregard for the safety of others, including Plaintiff, or knowingly or intentionally, in concert with Father Authenrieith, to retain Father Authenrieith in ministry with unfettered access to children.

**COUNT I**  
**NEGLIGENCE**

42. Plaintiff S.H. repeats and realleges Paragraphs 1 through 41 above.

43. At all material times, the Diocese was in a special relationship with Plaintiff as a child parishioner with whom one of its ordained Priests would have contacts in the course of engaging in Catholic activities. Based on this special relationship, the Diocese owed Plaintiff a duty of reasonable care.

44. The Diocese and Father Authenrieith were in a special relationship of employer – employee, when the Diocese knew or should have known that Father Authenrieith posed a danger to children in his role as a Catholic Priest, and thus the Diocese owed a duty to control Father Authenrieith to prevent foreseeable harm.

45. The Diocese owed a duty to Plaintiff to use reasonable care to protect the safety, care, well-being and health of the Plaintiff while he was under the care, custody or in the presence of Father Authenrieth.

46. The Diocese owed a duty to refrain from transferring or reassigning Father Authenrieth to the Diocese of Orlando when it knew or should have known that he posed a danger to children in his duties and role as a Catholic Priest.

47. The Diocese owed a duty to warn the Diocese of Orlando or others who would be supervising Father Authenrieth as a Catholic Priest of the dangers posed to children of sexual abuse or assault by Father Authenrieth.

48. The Diocese breached these duties by transferring and reassigning Father Authenrieth, and by doing so without making any warning or notice of his proclivities for the sexual abuse of children.

49. At all relevant times, the Diocese had inadequate policies and procedures to protect children who would encounter their Catholic Priests in the course of their duties.

50. As a direct and proximate result of the Diocese's negligence, Plaintiff has suffered and continues to suffer severe and permanent psychological, emotional and physical injuries, shame, humiliation and the inability to lead a normal life.

51. The Diocese's acts and conduct shows a reckless or willful disregard for the safety and well-being of S.H. and other children.

WHEREFORE, Plaintiff demands judgment against the Diocese for compensatory damages, punitive damages, costs and such other and further relief as this Court deems proper.

**DEMAND FOR JURY TRIAL**

Plaintiff demands a jury trial in this action.

Dated: New York, NY  
August 14, 2019

Respectfully submitted,

HERMAN LAW  
434 W. 33<sup>rd</sup> St., Penthouse  
New York, NY 10001  
Tel: 212-390-0100

By: \_\_\_\_\_

Jeff Herman  
[jherman@hermanlaw.com](mailto:jherman@hermanlaw.com)  
Daniel G. Ellis  
[dellis@hermanlaw.com](mailto:dellis@hermanlaw.com)  
Stuart S. Mermelstein  
[smermelstein@hermanlaw.com](mailto:smermelstein@hermanlaw.com)